



Federal Court of the Western District of New York  
Buffalo Division

David C. Lettieri  
Plaintiff

-against-

Olivett Products LLC  
Defendant

23 CV 906-V

Index No.

Complaint

The plaintiff acting pro se, as for a verified complaint herein respectfully alleges as follows:

1. That all times relevant the plaintiff is force at 2240 Hubbard Road, youngstown OH 44505.

2. Upon information and belief all times relevant the defendant Plivette Products LLC business is located in Bridgeton, MO 63044.

3. This complaint is in regards to a product that Olivette products makes. It is Called WholeShabang Original.  
4. The nutrition facts are as followed:

Calories 220  
Total Fat 14g Daily Value 18%

Saturated Fat 1g Daily Value 5%

Trans Fat 0g

Cholestral 0mg Daily Value 0%

Sodium 500mg Daily Value 22%

Total Carbohydrate 22g Daily Value 8%

Dietary Fiber 2g Daily Value 7%

Total Sugars 2g

Includes 1g added sugars Daily Value 2%

Protein 3g

Vitamin D 0Mcg Daily Value 0%

Calcium 10mg Daily Value 0%

Iron 0.8mg Daily Value 4%

Potassium 500mg Daily Value 10%

5. The Ingredients are as followed: Potatoes, vegetable oil (corn and/or canola and/or sunflower oil), seasoning (sugar, sodium dicetate, salt, monosodium glutamate, torula yeast, malic acid, citric acid, dehydrated onion, corn maltodextrin, yeast extract, calcium silicate, dehydrated garlic, spices, paprika, extractives of flavors, parika and turmeric, disodium inosinate and guanylate, and natural flavors).

6. The plaintiff doesn't know where thirteen grams of fat is in the total fat.

7. The plaintiff doesn't know where the eighteen grams of carbohydrates are for the total carbohydrates is.

8. The plaintiff doesn't know what the daily percentage value for the protein is.

9. The plaintiff doesn't know what spices are in the package.
10. The plaintiff doesn't know what natural flavors are in the package.
11. The plaintiff doesn't know what turmeric is.
12. The plaintiff doesn't know what torula yeast is.
13. The plaintiff has been incarcerated for over two years in which is unable to properly research for a health diet.

As for a First Cause of Action  
Administrative Negligence

14. Because of the misinformation on the package it is a form of neglect towards the customer.

As for a Second Cause of Action  
New York State General Business Law 349

15. New York State General Business Law Section 349(a) states: Deceptive acts or practice in the conduct of any business, trade, or commerce, or in the furnishing of any service in the state are hereby declared unlawful.
16. Because of the misinformation on the package it is a form of deceptive acts that would be considered unlawful.

As for a Third Cause of Action  
Invisible Harm Caused by Separate tortfeasors

17. The actions taken by Olivette Products are Separate and independent in which are not by the tortfeasors that have caused such injury.

As for a Fourth Cause of action  
Breach of Duty Care

18. Olivette Products had a duty of care not to withhold information from a customer that could be vital to one's health and needs. As such had breached a duty of care.

As for a Fifth Cause of Action  
Breach of Contract

19. Since this product was purchased by means of communication in which a type of contract was formed. As such Olivette Products LLC had breached such contract.

As for a Sixth Cause of Action  
New York State General Business Law 349  
False Advertising

20. False advertising in the conduct of any business, trade, or commerce or in the furnishing of any service in hereby declared unlawful.

21. Because of misinformation on the package it can be construed as a form of false advertising in which it can be declared unlawful.

As for a Seventh Cause of Action  
Alternative Liability

22. All the tortfeasors are before the court in which the defendant Olivette Products LLC had caused an injury to the plaintiff for such action.

As for an Eighth Cause of Action  
Title 7 United States Code 2611  
Congressional Findings and Declaration policy

23. Potatoes are a basic food in the United States and Foreign countries. They are produced by many individual potato growers in every state in the United States and imported into the United States from Foreign Countries. In 1966, there were one million four hundred and ninety-seven thousand acres of cropland in the United States devoted to the production of potatoes.

24. Potatoes and potato product move, in the channels of interstate or foreign commerce, and potatoes which do not move in such channels directly bear no effect on interstate commerce in potato products.

25. The maintenance and expansion of existing potato markets and the development of new or improved markets are vital to the welfare of potato growers and those concerned with marketing using, and processing potatoes as well as the general economic welfare of the nation.

26. Because of the misinformation on such package it can violate such statute.

Wherefore the plaintiff demands judgment for the following:

1. On the First Cause of Action, damages in the sum of \$200,000 for Administrative Negligence.

2. On the Second Cause of Action, damages in the sum of \$200,000 for violation of New York State General Business Law 349.

3. On the Third Cause of Action, damages in the sum of \$200,000 for Invisible Harm Caused by Separate Tortfeasors.

4. On the fourth Cause of Action, damages in the sum of \$200,000 for Breach of Duty Care.

5. On the Fifth Cause of Action, damages in the sum of \$200,000 for Breach of Contract.

6. On the Sixth Cause of Action, damages in the sum of \$200,000 for violation of New York State General Business Law 350,

7. On the Seventh Cause of Action, damages in the sum of \$200,000 for Alternative Liability.

8. On the Eighth Cause of Action, damages in the sum of \$200,000 for violation of Title 7 United States Code 2611.

9. For all other such cause, equitable that the courts may see fit and proper.

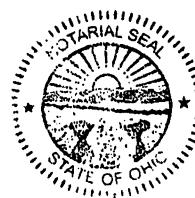
Verification

I David Carmine Lettieri, State that all the facts above are true and to the best of my knowledge that are present in such lawsuit.

CL  
august 20, 2023

Allison Goterba  
Public Notary

David C. Lettieri  
2240 Hubbard Road  
Youngstown OH, 44505



ALLISON GOTERBA  
Notary Public, State of Ohio  
My Commission Expires  
August 18, 2024

Federal Court of The Western District of New York  
Buffalo Division

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David C. Lettieri  
Plaintiff

-against-

Index No. \_\_\_\_\_

Olivette Products LLC  
Defendant

Summons

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You are hereby order to answer the verified complaint within twenty-one days of being serve failure to do so shall entitle the plaintiff to a default judgment.

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

David C. Lettieri

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Pro Se

**DEFENDANTS**

Olivett Products LLC

County of Residence of First Listed Defendant \_\_\_\_\_  
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- |  |  |
|--|--|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)   |

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)  
(For Diversity Cases Only)

	PTF	DEF	PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4 <input checked="" type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5 <input checked="" type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input checked="" type="checkbox"/> 6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<b>PROPERTY RIGHTS</b>	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle	<input type="checkbox"/> 390 Other Personal Injury	<input type="checkbox"/> 880 Defend Trade Secrets Act of 2016	<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 395 Contract Product Liability	<input type="checkbox"/> 395 Product Liability	<b>SOCIAL SECURITY</b>	<input type="checkbox"/> 485 Telephone Consumer Protection Act
<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 396 Other Personal Injury	<input type="checkbox"/> 400 Other Civil Rights	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 490 Cable/Sat TV
<b>REAL PROPERTY</b>	<b>CIVIL RIGHTS</b>	<b>PRISONER PETITIONS</b>	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 850 Securities/Commodities Exchange
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	<b>Habeas Corpus:</b>	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<b>FEDERAL TAX SUITS</b>	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<b>Other:</b>	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 540 Mandamus & Other		<input type="checkbox"/> 950 Constitutionality of State Statutes
		<input type="checkbox"/> 550 Civil Rights		
		<input type="checkbox"/> 555 Prison Condition		
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		

**V. ORIGIN** (Place an "X" in One Box Only)

- |   |   |  |   |  |  |   |
|---|---|--|---|--|--|---|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from Another District (specify) _____ | <input type="checkbox"/> 6 Multidistrict Litigation - Transfer | <input type="checkbox"/> 8 Multidistrict Litigation - Direct File |
|---|---|--|---|--|--|---|

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): \_\_\_\_\_

**VI. CAUSE OF ACTION**

Brief description of cause: \_\_\_\_\_

**VII. REQUESTED IN COMPLAINT:** CHECK IF THIS IS A CLASS ACTION

UNDER RULE 23, F.R.Cv.P.

**DEMAND \$**

CHECK YES only if demanded in complaint:

**JURY DEMAND:**  Yes  No**VIII. RELATED CASE(S) IF ANY**

(See instructions): \_\_\_\_\_

JUDGE \_\_\_\_\_

DOCKET NUMBER \_\_\_\_\_

DATE \_\_\_\_\_

SIGNATURE OF ATTORNEY OF RECORD

**FOR OFFICE USE ONLY**

RECEIPT # \_\_\_\_\_

AMOUNT \_\_\_\_\_

APPLYING IFP \_\_\_\_\_

JUDGE LJV \_\_\_\_\_

MAG. JUDGE \_\_\_\_\_

David Lether  
2470 Hubbard & Rock  
Youngstown, OH 44505

CLEVELAND OH 440  
28 AUG 2023 PM 5 L



Core Civic/NEOCC has neither inspected  
nor censored and will not be responsible  
for the contents.

USDC - WDNY

AUG 30 2023

BUFFALO

out of clerks  
2 Niagara square  
Buffalo, NY 14202

14202-33509